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Attorney for Plaintiff CRAIG YATES, an individual

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual;

Plaintiff,

v.

CAFÉ GRATITUDE LLC, a California
limited liability Company; and
ROBERT A. IMHOFF

,

Defendant.

CASE NO. CV-10-2015-MEJ

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action become and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

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7 Dated: May 1, 2012

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

8
9 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
10 Attorney for CRAIG YATES, an individual

11
12 Dated: May 1, 2012

Law Office of Jason G. Gong
A Professional Corporation

13
14 By: /s/ Jason G. Gong
Jason G. Gong
15 Attorney for Defendants CAFÉ GRATITUDE LLC,
16 a California limited liability Company; and
17 ROBERT A. IMHOFF

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19 **ORDER**

20 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.
21 R. Civ. P. 41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
22 purpose of enforcing the parties' Settlement Agreement and General Release should such
23 enforcement be necessary.

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25 Dated: May 2 , 2012

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28 Honorable Magistrate Judge Maria-Elena James
UNITED STATE DISTRICT JUDGE